

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------------------|---|---------------------|
| MAHASIN AHMAD, individually and on |) | |
| behalf of others similarly situated, |) | |
| |) | |
| Plaintiff, |) | No. 4:21 CV 311 CDP |
| |) | |
| v. |) | |
| |) | |
| PANERA BREAD COMPANY, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

On June 2, 2021, I denied plaintiff Mahasin Ahmad's motion to remand this matter to State court, finding that defendant Panera Bread Company sufficiently demonstrated by a preponderance of the evidence that the amount in controversy exceeded \$5 million, thereby satisfying the jurisdictional threshold for this Court to exercise jurisdiction over this removed action under the Class Action Fairness Act (CAFA), 28 U.S.C. §§ 1332(d), 1453. (*See* ECF 40.) Ahmad now requests that I reconsider the June 2 Memorandum and Order, and specifically the portion that extrapolated class damages to include a period of years before September 2020. Because Panera admits in response to Ahmad's motion to reconsider that the program Ahmad challenges in this lawsuit began in the fall of 2020 and not before, I agree with Ahmad that my analysis of damages for an extrapolated period that predated the program was based on a clear factual error. I will therefore grant


Ahmad's motion to reconsider. *See Jones v. Casey's Gen. Stores*, 551 F. Supp. 2d 848, 854 (S.D. Iowa 2008) (court may reconsider interlocutory order to "correct any clearly or manifestly erroneous findings of fact . . ."). Because my decision to deny Ahmad's motion to remand was based almost exclusively on this erroneously determined period of class damages, I will vacate my June 2 Memorandum and Order and reconsider Ahmad's motion to remand.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Mahasin Ahmad's Motion for Reconsideration of Order Denying Plaintiff's Motion to Remand [41] is **GRANTED**.

IT IS FURTHER ORDERED that the Memorandum and Order dated June 2, 2021 (ECF 40) is **VACATED**.

IT IS FURTHER ORDERED that this action is **STAYED** pending my reconsideration of plaintiff's motion to remand. No additional briefing on the motion to remand is required or will be permitted.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of October, 2021.